



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JUNE 7, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Vice Chairperson Clark called the regular meeting to order at 6:05 p.m.

Commission members present: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. G.H. Jones, and Mr. Don Maxwell (Parliamentarian).

Commission members absent: Mr. Art Hughes (Chairperson) and Mr. Michael Parks.

Staff members present: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Martin Zimmermann, Senior Planner; Ms. Julie Fulgham, Staff Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Mr. Rodney Schmidt, Executive Management Intern.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Vice Chairperson Clark filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding Consent Agenda item #4E, Final Plat FP07-15. Vice Chairperson Clark will not participate in deliberation or voting on this agenda item.

Commissioner Maxwell moved to suspend the rules and take Consent Agenda item E out of order and consider separately from the other items on the Consent Agenda. Commissioner Jones seconded the motion.

The motion passed with a unanimous vote.

4. CONSENT AGENDA

E. CONSIDERATION – Final Plat FP07-15

M. Zimmermann

Proposed final plat of Utility Fleet Sales Subdivision being 42.08 acres of land located on the southeast side of North Earl Rudder Freeway south of its intersection with F.M. 2818 in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve Consent Agenda item E. Commissioner Bond seconded the motion.

Commissioner Maxwell asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote. Commissioner Clark did not participate in deliberation or voting on this agenda item due to a conflict of interest.

4. CONSENT AGENDA

A. Approval of minutes from the workshop and regular meetings on May 17, 2007.

B. CONSIDERATION – Alley Closing AC07-02

R. Haynes

A request to permanently close a 20-foot wide and 250-foot long alley right-of-way in Block 134 of Bryan Original Townsite extending east from South Sims Avenue near its intersection with West 31st Street in Bryan, Brazos County, Texas.

C. CONSIDERATION – Final Plat FP07-11

M. Zimmermann

Proposed final plat of Autumn Lake Subdivision – Phase 2A being 6.99 acres of land located between West Villa Maria Road and Chick Lane in Bryan, Brazos County, Texas.

D. CONSIDERATION – Final Plat FP07-12

R. Haynes

Proposed final plat of The Traditions Subdivision – Phase 13 being 10.948 acres of land located along North Traditions Drive in Bryan, Brazos County, Texas.

Commissioner Bond moved to approve Consent Agenda items A, B, C, and D. Commissioner Jones seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF RESUBDIVISION

5. PUBLIC HEARING/CONSIDERATION – Replat RP07-09

R. Haynes

A request to replat property at 701 Gaytha Circle on 0.39 acres of land being Lot 15 in Block 3 of Hyde Park Addition in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). He stated that the applicant has requested to replat 0.39 acres which comprise Lot 15, Block 3 of the Hyde Park Addition. The applicant wishes to divide the property so that the two existing multifamily dwellings may each occupy a separate lot. Mr. Haynes stated that the proposed replat meets all requirements and standards. This item has been conditionally approved by the Site Development Review Committee and staff recommends approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to approve Replat RP07-09, as requested. Commissioner Beckendorf seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

6. PUBLIC HEARING/CONSIDERATION – Replat RP07-13

R. Haynes

A request to replat 3.48 acres of land located along Garden Acres Boulevard being the eastern half of Lot 24, Garden Acres Subdivision in Bryan, Brazos County, Texas

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). According to Mr. Haynes, the applicant, Joe Franklin, has requested to replat a 3.48 acre tract which comprises the eastern half of Lot 24, Garden Acres. The applicant wishes to divide the property and create an additional home site. The new lot created will be 2.16 acres and will take access off Windowmere Street. Staff recommends approval because the proposed replat meets all requirements and standards.

The public hearing was opened.

Mr. Jesse Stanfield, of 912 Stanfield Circle, Bryan, Texas, came forward and asked what type of housing would be allowed on the property. Staff responded that only single-family dwellings would be allowed under the current zoning of the property.

Ms. Martha Murphy, of 914 Stanfield Circle, Bryan, Texas, came forward and spoke in opposition to the request. She fears that it may continue to be further subdivided in the future.

Ms. Margaret Stanfield, of 912 Stanfield Circle, Bryan, Texas, came forward and asked what type of housing would be put in the new piece of property if the request was approved. Assistant City Attorney advised Ms. Stanfield to consult with City staff on this issue.

Mr. Sed Murphy, of 914 Stanfield Circle, Bryan, Texas, came forward and addressed his concerns about access of the new property to Windowmere Street.

Ms. Martha Murphy, 914 Stanfield Circle, Bryan, Texas, came forward and spoke in opposition to the request. She fears that building a new home in the proposed piece of property will potentially flood her property.

The public hearing was closed.

Commissioner Jones moved to approve Replat RP07-13, as requested. Commissioner Maxwell seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

Commissioner Bond emphasized to the public that the issue before the Commission was a replat and not a rezoning and that the type of housing allowed in the area would not be changed.

Commissioner Beckendorf stated that the property could still be bought from the current owners and kept from being subdivided.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)

- 7. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-21** **R. Haynes**
A request for a 14-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to legitimize previous installation of a garage that extends within 11 feet from the front property line on property at 1906 Marshall Avenue, occupying Lot 14 in Block 6 of Milton Darwin's Subdivision Number 2 in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, came forward and stated that because the public was not notified of the planning variance, a public hearing could not be conducted, and thus recommended postponing consideration of this request.

Commissioner Beckendorf moved to postpone consideration of Planning Variance PV07-21 until the Planning and Zoning Commission's regular meeting on July 19, 2007. Commissioner Jones seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

8. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-26

J. Fulgham

A request for a 4-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to allow construction of a porch planned to be set back only 21 feet from the front property line on property at 1707 Cottonwood Street, occupying Lots 6 and 7 in Block 11 of Woodlawn Addition in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised the Commission that the applicant, Jose Arenas, enclosed an existing porch and now wishes to add a new front porch to the subject property located at 1707 Cottonwood Street. The applicant is now requesting a 4-foot variance from the required 25-foot front building setback required on this lot, to allow the construction of this front porch addition. Mrs. Fulgham recommends denying this planning variance because the minimum front building setback standards currently being used by the City of Bryan are intended to help promote and preserve open spaces in neighborhoods and prevent the overcrowding of land with buildings. Staff believes that approving this proposed variance may set an unwanted precedent.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to deny Planning Variance PV 07-26, accepting the findings of staff. Commissioner Maxwell seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

9. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-23

R. Haynes

A request to change the zoning classification from Retail District (C-2) to Multiple-Family District (MF) on 5.47 acres of land out of J.E. Scott Survey, A-50 located at the intersection of Wellborn Road and Old College Road in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Staff recommends denial of the proposed zoning change on all land encompassed by this request because the Comprehensive Plan, which was approved by the citizens of Bryan and adopted by the Planning and Zoning Commission and City Council, explicitly calls for the property to be zoned retail.

The public hearing was opened.

Mr. Greg Taggart, of 2551 A Texas Avenue South, College Station, Texas came forward to speak in favor of the request. He believes that this unique property will never develop fully if it retains its Retail District zoning classification because Texas A&M University is blocking its growth. Mr. Taggart stated that even in light of the economic boom over the past 10 years, this property has been unable to be sold as a Retail District property. He also stated that the 5.47 acre plot is simply too small for any retail developer to seriously consider purchasing the property.

Ms. Janet Friddle, 4400 Old College Road, Bryan, Texas came forward to speak in favor of the request. She feels that the water retention requirements that the developer would have to adhere to in order to build the multiple-family dwellings on this property would likely keep her property from getting flooded.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ 07-23 finding that the uses permitted by the proposed change will be appropriate in the immediate area concerned in relationship to the general area and the City as a whole. Commissioner Jones seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

Vice Chairperson Clark stated that the new road development at West Villa Maria and Finfeather Roads is going to change the dynamic of the entire region and feels that the retail classification is good for the area.

Commissioner Bond stated that he wants to see commercial development in that area because it is a gateway area for people coming into the City of Bryan.

Commissioner Horton stated that he does not want the entire retail property to be rezoned multi-family.

Commissioner Maxwell stated the commercial properties around this area have not fully developed and feels that it may not be all bad for this property to be zoned multi-family.

The motion failed with a vote of two (2) in favor and five (5) in opposition. Commissioners Maxwell and Jones cast the votes in favor.

Vice Chairperson Clark opened the floor to entertain an alternate motion.

Commissioner Beckendorf moved to recommend denying Rezoning RZ07-23, accepting the findings of staff. Commissioner Davila seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

There was none.

The motion passed with a vote of six (6) in favor and one (1) in opposition. Commissioner Maxwell cast the vote in opposition.

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-24

J. Fulgham

A request to change the zoning classification from Residential District - 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC) on all eligible lots in the Enchanted Meadows Subdivision – 4th Installment in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the property owners within Enchanted Meadows Subdivision, 4th installment have submitted a complete petition for a City-initiated zoning change from RD-5 to R-NC on approximately 25 lots in this subdivision. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving R-NC zoning for all eligible lots in this subdivision phase because they appear to conform to the intent and purpose of this zoning classification, which is designed to preserve, protect, and enhance the character of established residential neighborhoods, by limiting the number of unrelated individuals that may occupy a single dwelling unit to two.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to recommend approving Rezoning RZ07-24, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-25

M. Zimmermann

A request to allow 100 percent metal building exteriors in a previously-approved Planned Development District for a wholesale nursery located on 3.93 acres of land out of Zeno Phillips Survey A-45, located on the west side of the 2000 block of Finfeather Road between Cottage Grove Circle and Northcrest Drive in Bryan, Brazos County, Texas

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). The applicant, Mr. Jed Waltemathe, has requested that, within this Planned Development District, buildings be allowed to have 100% metallic facades. Staff recommends denying this request because they believe that the requirement for 50% nonmetallic building exteriors in this particular case will help prevent the appearance of metal warehouses in close proximity to residential home sites.

The public hearing was opened.

Mr. Jed Waltemathe, of 915 Finfeather Road, Bryan, Texas, applicant, came forward to speak in favor of the request. He stated that his office buildings will not be seen by adjacent property owners because the trees he will be selling are going to block their view. As a result, he does not feel that the 50% nonmetallic exterior requirement is necessary for his offices.

Mr. Mike Thrasher, of 904 Cottage Grove Circle, Bryan, Texas, came forward to speak in opposition of the request. He claims that along his fence line, which runs up against Mr. Waltemathe's property, he can see into the property and fears that the all-metal office building will be unsightly.

The public hearing was closed.

Commissioner Beckendorf moved to recommend denying Rezoning RZ07-25, accepting the findings of staff. Commissioner Maxwell seconded the motion.

Vice Chairperson Clark asked if there was any discussion on the Commission.

Commissioner Davila asked the Commission if there would be a chance to recommend looking at applying a nonmetallic exterior to 2 or 3 sides of the buildings in question.

Vice Chairperson Clark stated that in his opinion it is not the Commission's job to design the building.

The motion passed with a unanimous vote.

12. COMMISSION CONCERNS

Commissioner Maxwell commented on the presence of law enforcement protection.

Vice Chairperson Clark commented discussions in the lobby get quite loud sometimes and can interfere with the public hearings inside Council Chambers.

13. ADJOURN

Without object, Vice Chairperson Clark adjourned the meeting at 7:46 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **21st** day of **June, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission